



Robert L. Quinn
Commissioner of Safety

State of New Hampshire

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
STEPHEN E. MERRILL BUILDING
23 HAZEN DRIVE, CONCORD, NH 03305
Telephone: (603)227-4010 TDD Access Relay NH 7-1-1



Elizabeth A. Bielecki
Director of Motor Vehicles

JOSEPHINE AMATUCCI
PO BOX 272
WOLFEBORO FALLS, NH 038960272

Notice Date: 4/8/2022
Date of Birth: 9/27/1938
Reference #: NHI11884363
Rescind Date: 4/7/2022 2:45:33 PM

NOTICE OF RESCIND

The Division of Motor Vehicles has taken the following action with respect to the Suspension or Revocation Notice to you as dated above. **The items are proper notification of your present status:**

THE ACTION(S) TAKEN AGAINST YOUR LICENSE/OPERATING PRIVILEGE HAVE BEEN RESCINDED FOR CAC801457, NO FURTHER ACTION IS REQUIRED

THE ACTION(S) TAKEN AGAINST YOUR REGISTRATION PRIVILEGE HAVE BEEN RESCINDED FOR CAC801457, NO FURTHER ACTION IS REQUIRED


Director of Motor Vehicles



ROBERT L. QUINN
COMMISSIONER OF SAFETY

State of New Hampshire

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
STEPHEN E. MERRILL BUILDING
23 HAZEN DRIVE, CONCORD, N.H. 03305
TELEPHONE: (603) 227-4000 • RELAY NH (7-1-1)



ELIZABETH A. BIELECKI
DIRECTOR OF MOTOR VEHICLES

April 29, 2022

Josephine Amatucci
Po Box 272
Wolfeboro Falls NH 03896

Dear Sir/Madam.

The Division of Motor Vehicles has received information that gives the Director of Motor Vehicles reason to have your driving abilities evaluated.

In order for the Division of Motor Vehicles to evaluate your driving abilities, please appear for your examination at the following date and time:

Appointment Date:	May 16, 2022
Appointment Time Knowledge Test	1:30 PM
Appointment Time Road Test:	Schedule after Passing Knowledge Test
Appointment Location:	Tamworth 1864 White Mt Highway

Please bring this letter to your appointment and please arrive 5 minutes prior to your appointment time. If you need to reschedule this appointment you must call us at 603-227-4000 do not reschedule your appointment online. **If you decide you would like to give up your right to drive, please mail in your driver license and a note stating that you wish to voluntarily give up driving.**

If you should have any further questions, please call (603) 227-4000.

Very truly yours,

Bureau of Driver Licensing



ROBERT L. QUINN
COMMISSIONER OF SAFETY

State of New Hampshire

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
STEPHEN E. MERRILL BUILDING
23 HAZEN DRIVE, CONCORD, N.H. 03305
TELEPHONE: (603) 227-4000 • RELAY NH (7-1-1)



ELIZABETH A. BIELECKI
DIRECTOR OF MOTOR VEHICLES

April 04, 2022

Josephine Amatucci
Po Box 272
Wolfeboro Falls NH 03896

Dear Sir/Madam,

The Division of Motor Vehicles has received information that gives the Director of Motor Vehicles reason to have your driving abilities evaluated.

In order for the Division of Motor Vehicles to evaluate your driving abilities, please appear for your examination at the following date and time:

Appointment Date:	April 21, 2022
Appointment Time Knowledge Test	12:50 PM
Appointment Time Road Test:	Schedule after Passing Knowledge Test
Appointment Location:	Tamworth 1864 White Mt Highway

Please bring this letter to your appointment and please arrive 5 minutes prior to your appointment time. If you need to reschedule this appointment you must call us at 603-227-4000 do not reschedule your appointment online. **If you decide you would like to give up your right to drive, please mail in your driver license and a note stating that you wish to voluntarily give up driving.**

If you should have any further questions, please call (603) 227-4000.

Very truly yours,

Bureau of Driver Licensing

State of New Hampshire



ROBERT L. QUINN
COMMISSIONER OF SAFETY

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
JAMES H. HAYES SAFETY BUILDING
23 HAZEN DRIVE, CONCORD, NH 03305
TDD Access: 603/271-6100, 271-6104

ELIZABETH A. BICLECKI
DIRECTOR OF MOTOR VEHICLES

RED CARD REQUEST

Name: Josephine Amatucci of Wolfeboro DOB: 09/27/1938

License # NHL19257911

Requested by: NH State Police – Troop E

Action Requested: Re-Exam

Notes:

Recommendation: _____ Name: _____ Date: _____

Disposition: Re-Exam

Director's Signature: [Signature] Date: 3/15/22

NH-DMV-FR**DEC 29 2021**

Tpr. Rae activated her emergency lights, turned around on Route 28, and stopped the vehicle at the southern edge of the 7-11 parking lot for violation of **RSA 265:30 - Failure to Yield Right of Way at a Stop Sign**. The vehicle was a 2012 Nissan Versa, bearing NH Registration 3672039. The operator was eventually identified as:

Josephine AMATUCCI
DOB: 09/27/1938.

As Tpr. Rae made contact with AMATUCCI, she immediately demanded to know why she was being stopped. Tpr. Rae explained she had almost caused a crash as she had neglected to stop at the stop sign and cut off the vehicle in front of me. AMATUCCI became irate and began yelling at Tpr. Rae, telling her there was no stop sign there. She said she has been trying to get a stop sign there for years, but no one would listen to her. Tpr. Rae continued to try to point out there was a stop sign there, but she refused to listen. When Tpr. Rae told AMATUCCI she had cut off the other vehicle, causing both operators to slam their brakes, she stated "obviously I did not" since she had quote not "caused an accident."

AMATUCCI initially would not hand over her license and registration. She continued trying to argue over the existence of the stop sign. After repeatedly asking for her license and registration, she finally handed Tpr. Rae both documents.

AMATUCCI was issued a citation for the above RSA. Tpr. Rae recommended AMATUCCI go check the stop sign so she would see it was in place. She refused, and then ignored Tpr. Rae when she tried to explain the citation. Tpr. Rae got back into her cruiser and cleared from the stop.

AMATUCCI wrote a letter to Ossipee District Court regarding the stop. In the letter she states she did stop at the stop sign, and she was the one who helped put the signs in place. She also states she would be "committing suicide" if she did not stop at the intersection. The letter directly contradicts her statements to Tpr. Rae during the motor vehicle stop.

On June 23rd, 2021 AMATUCCI failed to appear in court for the scheduled trial regarding the above offense. The judge made an administrative finding of guilty after hearing Tpr. Rae's offer of proof.

Report for Trooper Mark Hensel
NH State Police - Troop E

On June 3rd, 2021 at approximately 12:09 P.M Tpr. Hensel was traveling southbound on Route 16 in the town of Ossipee when he observed a vehicle traveling northbound stop in the lane of travel. (The vehicle and operator were later identified as AMATUCCI operating her Nissan Versa). After the Nissan stopped, it then pulled into the shoulder area and began initiating a U-Turn while there was both south and northbound traffic. This caused vehicles both north and southbound to stop as everyone was unsure what the vehicle was going to do. The Nissan then completed the U-turn, crossing the double yellow lines, and pulling over into the southbound shoulder. The vehicle in front of Tpr. Hensel continued south, maneuvering around the Nissan. Tpr. Hensel stopped and proceeded to make contact with AMATUCCI.

AMATUCCI was argumentative with Tpr. Hensel and did not believe she did anything wrong. She said she had turned around to pick berries or flowers along that side of the road. Tpr. Hensel issued AMATUCCI a citation for violation of **RSA 265:22 - Yellow/Solid Line**.

NH-DMV-FR

DEC 29 2021

Trials with AMATUCCI

On December 1st, 2021 Tpr. Hensel and Tpr. Rae each had a trial in Ossipee District Court with AMATUCCI in regards to the above citations. During both trials, AMATUCCI frequently demanded all charges be dropped. She believes she did nothing wrong, and the troopers were wrong to stop her. Judge Countway presided over the trials and continuously had to explain the court rules to AMATUCCI. AMATUCCI constantly talked over the judge, demanding she dismiss the charges. AMATUCCI could not be reasoned with and refused to accept her driving behavior is illegal and dangerous.

Judge Countway found AMATUCCI guilty of both violations. In regards to the violation of **RSA 265:30 - Failure to Yield Right of Way at a Stop Sign**, Judge Countway wrote in her ruling "The Court is also concerned that the Defendant argued that she had the right to operate as she did, since she arrived at the intersection first. The Court is concerned about the safety of other motorists under these circumstances and notes that the finding of guilty is intended to deter the Defendant from failing to stop and failing to yield to oncoming traffic in the manner described in this case."

In regards to the violation of **RSA 265:22 - Yellow/Solid Line**, Judge Countway wrote in her ruling "The Court is also troubled that the Defendant's argument was focused on her belief that her driving was legal. The Court is concerned about the safety of the other motorists under these circumstances and notes that the finding of guilty is intended to deter the Defendant from conducting U-turns in the manner described in this case."

**Report for Trooper Nikita Klimashov
NH State Police – Troop A**

On December 23rd, 2020, Tpr. Klimashov was on patrol in Portsmouth. Tpr. Klimashov was driving on Gosling Road when a blue Nissan Hatchback suddenly pulled out of a gas station parking lot, directly in front of his cruiser, causing him to brake suddenly. The vehicle proceeded to attempt to turn left, the wrong way down Gosling Road, which is separated by a raised concrete median. The driver only stopped once Tpr. Klimashov sounded his air horn. He conducted a traffic stop after the operator had turned and entered the roadway in the correct direction.

When Tpr. Klimashov contacted the driver, she had left her vehicle in drive and began to roll forward while he was standing at her window. The driver had to be asked to provide her license 4 times as she had refused the first 3 times. Tpr. Klimashov identified the driver as the above named AMATUCCI by her NH driver's license. AMATUCCI stated that pulling out in front of Tpr. Klimashov and turning the wrong way on a one-way road was "no big deal" because she had not actually caused an accident. Amatuucci went on an incoherent rant about how she was a safe driver and that law enforcement had it out for her. She berated Tpr. Klimashov for several minutes for "wasting her time" and never acknowledged that her motor vehicle operation may have been unsafe.

REQUEST FOR A MOTOR VEHICLE DRIVER RE-EXAMINATION:

Based upon her above interactions with several troopers, it is believed that AMATUCCI's actions show a pattern of conduct that causes a concern for her ability to drive safely and obey traffic laws.

AMATUCCI's erratic driving and disbelief she is committing any motor vehicle violations is concerning. She seems to believe as long as she did not cause a crash, she did nothing wrong. She appears unwilling to change her driving behavior, which is of utmost concern. There is also concern her mental health is declining and she is both mentally and physically unable to safely operate a motor vehicle. The State is

not unsympathetic to AMATUCCI being an elderly woman with possible declining health, but it needs to consider the safety of the entire motoring public over the individual.

I respectfully request AMATUCCI be required to undergo any examinations the Bureau of Hearings deems necessary to determine whether or not she can operate a motor vehicle without being a risk to the general public.

Thank you for your time and attention to this matter.

Respectfully Submitted,



Trooper Hawley Rae #1216
NH State Police - Special Investigations Unit
139 Iron Works Road
Concord, NH 03301
Hawley.Rae@dos.nh.gov
Dispatch: (603) 223-4381
Cell: (603) 931-9005

NH-DMV-FR

DEC 29 2021

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

Carroll County

3rd Circuit - District Division - Ossipee

State v. JOSEPHINE AMATUCCI

464-2021-CR-00559

ORDER

The Court held a trial in the above captioned case on December 1, 2021. The State appeared through the State Trooper who issued the ticket in this matter and the Defendant appeared representing herself.

Trooper Hensel testified that he was traveling south bound on Route 16 in Ossipee, New Hampshire on a straight section of roadway. The road in that section contained two lanes of travel separated by a double yellow line. See Exhibits 1 and 2. The Court takes judicial notice that Route 16 is a way in the State of New Hampshire based upon the testimony of the Trooper. The Trooper was following another vehicle. The Trooper observed a car traveling north bound that stopped in its lane of travel. The Trooper testified that the car pulled over to the shoulder then conducted the first part of a "U-turn", stopping near the double yellow line, perpendicular to the lanes of travel. The Trooper observed that the vehicle in front of him, and he, slowed their vehicles to stop, not knowing what the car would do next. The car, which the Trooper ultimately determined was being operated by the Defendant, then continued to complete the U-turn, crossing the double yellow line and pulling over to the opposite shoulder. The car in front of the Trooper continued south, driving around the Defendant and the Trooper made contact with the Defendant and issued a ticket for violating RSA 265:22.

RSA 265:22 provides in general that a vehicle may not cross an unbroken painted line marking the driver's lane. The statute provides exceptions, as relevant to this case, for emergencies, "[t]o permit ingress or egress to side roads or property adjacent to the highway" and "[i]n case such driver has an unobstructed view and can see the end of the said unbroken painted line." RSA 265:22, I.

The Defendant vehemently argued that it was legal for her to cross the double yellow line. She essentially argued that since it is sometimes permissible to cross that line, it was also permissible for her to do so in the manner in which she made her U-turn. She stated that the Trooper had to drop the charge against her and implored the Court to do the same.

NOT REGARDING A DOUBLE LINE
 The Court finds that the Trooper testified credibly and that the State has met its burden of proof with regard to the violation of RSA 265:22. The Court notes that the Trooper testified that the Defendant told him that she was turning around in order to pick some berries or flowers along the side of the road. Exhibits 1 and 2 show the lanes of travel from the north bound and south bound perspectives respectively. There are no side roads or driveways or entrances to adjacent property in that section of Route 16. There is no view of the end of the unbroken painted line. Thus the Court finds that none of the exceptions apply to this matter. The Court therefore finds the Defendant guilty. The statutory fine, according to the face of the ticket issued in this matter is \$124. The Court suspends the fine. on

condition of one year of good behavior, which is defined as not committing a Felony, Misdemeanor or any Motor Vehicle violation.

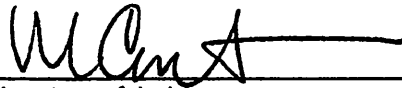
The Court recognizes that the State likely would object to a suspended fine in this matter. The Court notes that the Defendant stated that she would not pay a fine in this matter, and she was unhappy that the Court was taking the matter under advisement. She indicated that she is over 80 years old and was clearly upset by these proceedings and the perception that the "process" would not be fair to her. The Court finds in the interest of justice that a suspended fine, on the conditions identified above will best promote the goals of sentencing in this matter.

The Court is also troubled that the Defendant's argument was focused on her belief that her driving was legal. The Court is concerned about the safety of other motorists under these circumstances and notes that the finding of guilty is intended to deter the Defendant from conducting U-turns in the manner described in this case.

So Ordered.

December 02, 2021

Date



Signature of Judge

Melissa Countway

Printed Name of Judge

days from the date of issuance DATE OF ISSUANCE

06/03/2021 AT 12:10 PM

TO AVOID ANY ADDITIONAL ADMINISTRATIVE FEES OR REINSTATEMENT FEES SEE REVERSE SIDE FOR INSTRUCTIONS AND PENALTY INFORMATION.

JUN 17 2021

DEPARTMENT OF SAFETY
FINANCIAL RESPONSIBILITY SECTION - JHM
PO BOX 3838, CONCORD NH 03305
603-227-4010 http://www.nh.gov/paytictax

JUN 30 2021

You must come to the court listed at on to answer this complaint.

3RD CIRCUIT - DISTRICT DIVISION - OSSIPEE

DISTRICT COURT

96 WATER VILLAGE ROAD, BOX 2

STREET

OSSIPEE

TOWN/CITY

NH
STATE03864
ZIP CODE

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

AMATUCCI

JOSEPHINE

LAST NAME

FIRST NAME

MIDDLE NAME

350 GOV WENTWORTH HWY

WOLFEBORO

NH

03894

ADDRESS

CITY

STATE

ZIP CODE

DOB 09 27 1938

OP LICENSE # NHL19257911

STATE NH D

CLASS BRO

SEX F RACE 64

HEIGHT 165 lbs

WEIGHT BRO

COLOR EYES BRO

COLOR HAIR

LICENSE PRESENTED: ☒ YES ☐ NO

IN THE 3RD DAY OF JUNE YR 2021 AT 12:09 PM

ID OPERATE M.V. REGISTRATION # 3672039

PLATE TYPE PASS

STATE NH

MAKE NISS

YR 2012 TYPE VERSA

☒ COMMERCIAL VEHICLE☐ HAZMAT☐ 16+ PASSENGER

LOCATION: OSSIPEE

GPS N43 44.19055' W71 07.7718'

pon a certain public highway to wit - NH-16 / ROUTE 16

☒ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h. the prima facie lawful speed at the time and place of violation being _____ m.p.h.Contrary to RSA 265:60 ☐ Radar ☐ Aircraft ☐ Clocked ☐ Laser☒ traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of _____ m.p.h.☒ did fail and neglect to stop the said vehicle for a certain:☐ stop sign (contrary to RSA 265:31)☐ traffic light (contrary to RSA 265:9) before entering intersection of:☒ did fail and neglect to have the said vehicle inspected in accordance with the regulation of the Director of Motor Vehicles. Contrary to RSA 266:5.☒ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40.☒ other: YELLOW/SOLID LINE VIOLATION

Contrary to RSA: 265:22 Against the peace and dignity of the State.

MAKING A FALSE STATEMENT ON THIS COMPLAINT MAY RESULT IN CRIMINAL PROSECUTION (RSA 592-A:7, I)

IHSP-E
DepartmentTR. M. HENSEL
Complainant

Complainant Signature

1252
Badge Number☒ SERVED IN HAND

FINE FROM SCHEDULE \$ 124.00

YOU MUST COMPLETE THE REVERSE SIDE OF THIS FORM
SEE REVERSE FOR INSTRUCTION AND PENALTY INFORMATION.

JOS/COURT

DS No 21-885-492587

DSMV 428E (REV 09/01/2017)

☐ Negotiated Plea
FINDING: ☒ Guilty *after trial 12/1/2021* ☐ Not Guilty ☐ Dismissed

☐ Waiver of Counsel and Rights Acknowledged
☐ Appearance of _____ for the defendant
☐ Nolle Prossed by _____ on _____ DATE

Continued from _____ to _____ by _____

Continued from _____ to _____ by _____

SENTENCE:

☒ Fine of \$ 100 amount suspended \$ P.A. \$ 24 Total \$ 124
(amount suspended on conditions stated below)☐ Time Payment☐ Ordered ☐ Recommended defendant's license (privileges) to operate a motor vehicle be:☐ suspended ☐ revoked for a period of _____☐ License Forwarded☐ Defendant placed on probation for a period of _____☐ Case continued for sentence ☐ Complaint placed on file ☐ with ☐ without finding

(This disposition may not apply to CDL operators or commercial vehicle offenses)

☐ Other

DEFAULT:

Fine \$ _____ P.A. \$ _____ Admin. Fee ☐ imposed \$ _____ ☐ waived Total \$ _____Defendant failed to ☐ appear on _____ DATE ☐ pay on _____ DATE☐ Bench Warrant Ordered _____ (date) issued _____ (date)☐ for ☐ non-appearance ☐ non-payment☐ Bail to be determined by Bail Commissioner \$ _____☐ Bail set by Court \$ _____ PR / CASH / SURETY☐ Other☐ Recommended license suspension

Justice Signature

APPEAL:

☐ To Superior Court (De Novo trials only):

The Defendant appeals

☐ To Superior Court: To be perfected within 30 days or sentence will be invoked.

Default Date

12/2/2021

Conviction Date

Justice Signature

Melissa B. Countway, Judge

Justice Signature

Original abstract forwarded

(date)

@ suspended - see narrative order

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

3rd Circuit - District Division - Ossipee
96 Water Village Rd., Box 2
Ossipee NH 03864

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF HEARING

FILE COPY

Case Name: **State v. JOSEPHINE AMATUCCI**
Case Number: **464-2021-CR-00559**

The above referenced case(s) has/have been scheduled for:

Trial

<u>Charge ID</u>	<u>Statute</u>	<u>Description</u>
1872657C	265:22	Yellow/Solid Line Violation

*IT WAS A DOUBLE
Yellow*

Date: December 01, 2021 **96 Water Village Rd., Box 2**
Time: 1:30 PM **Ossipee NH 03864**
Time Allotted: 1 Hour

If you are unable to appear at this scheduled hearing, you must request a continuance from the Court in writing at least 10 days in advance of the hearing date. You must also send a copy of the request to the opposing party, unless restricted from doing so. Motions to continue filed fewer than 10 days in advance of hearing will only be granted if the Court finds that an emergency or exceptional circumstance exists. You must appear on the scheduled date unless you receive notification from the Court that a request to continue the hearing has been granted. **FAILURE TO APPEAR OR PROPERLY OBTAIN A CONTINUANCE FROM THE COURT MAY RESULT IN AN ORDER FOR YOUR ARREST.**

When a person pleads guilty/nolo or is convicted after trial, the court expects all fines imposed to be paid in full on the date of the hearing.

NOTICE OF APPELLATE RIGHTS

A person convicted of a violation level offense or a class B misdemeanor has the right to appeal the decision of the District Division by filing an appeal with the New Hampshire Supreme Court. This appeal is only on questions of law which means that the Supreme Court will not consider questions of fact already decided by the District Division. With limited exceptions, the person convicted has 30 days from the date of sentencing to file an appeal with the Supreme Court.

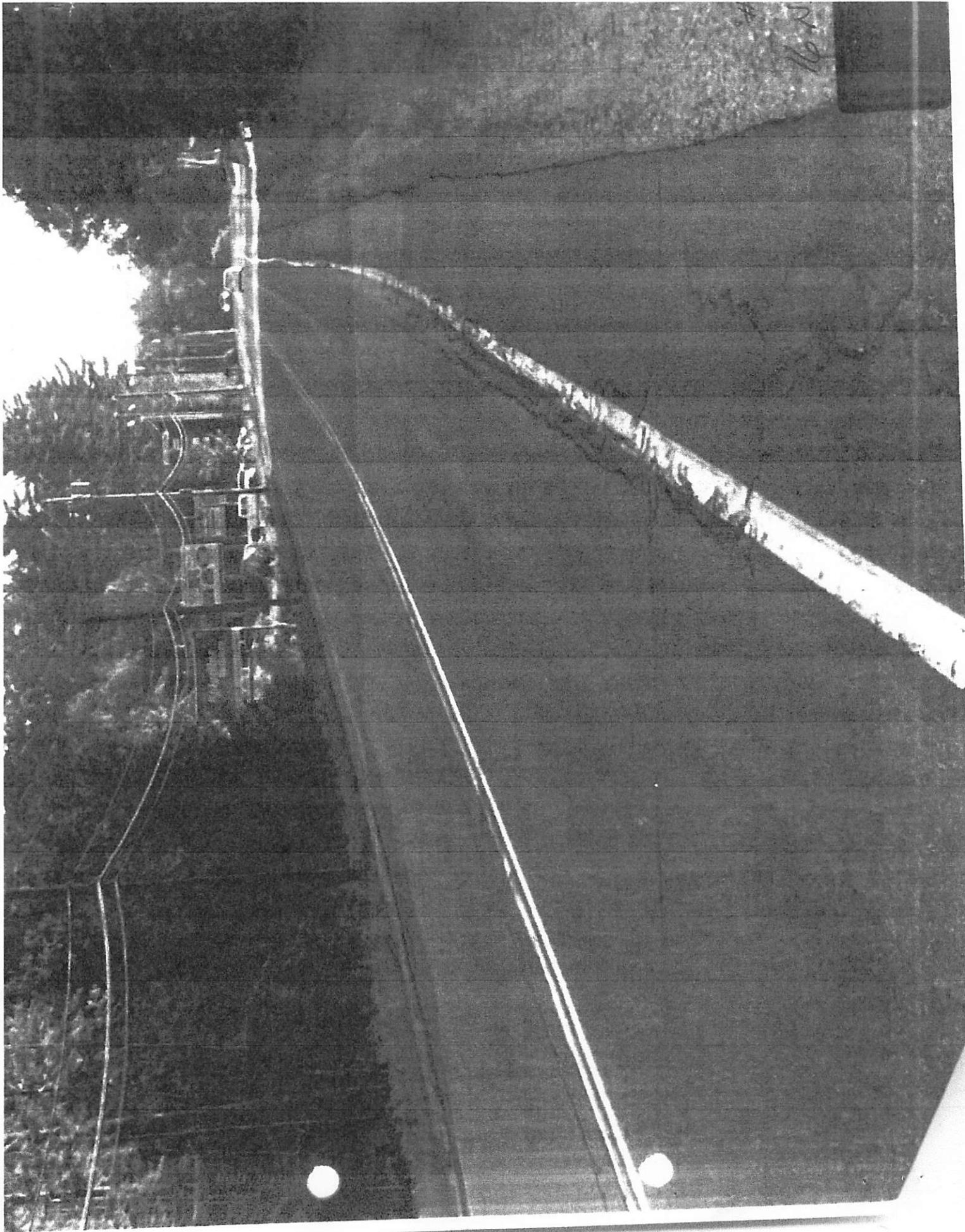
A person convicted of a class A misdemeanor has the right to appeal the decision of the District Division to the Superior Court and to have a trial by jury. The person convicted must notify the District Division of the intent to appeal within 72 hours of sentencing.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately. Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625:11, V in a courtroom or area used by a court.

July 06, 2021

Elaine J. Lowe
Clerk of Court

C. MARK HENSEL - NH State Police - Troop E. JOSEPHINE AMATUCCI



JUSTIA

[Go to previous versions of this Section](#)

2019 New Hampshire Revised Statutes Title XXI - Motor Vehicles Chapter 263 - Drivers' Licenses Section 263:7 - Reexamination.

Universal Citation: NH Rev Stat § 263:7 (2019)

263:7 Reexamination. –

I. The director may require with cause any person holding a license to drive motor vehicles or applying for reissue of such license to pass such examination as to the person's qualifications as the director shall prescribe. Such reexamination may include an examination for visual acuity as prescribed by the director. All license examinations shall be conducted by department of safety personnel. No license shall be reissued to such person or continued in effect until the director is satisfied as to such person's fitness to drive a motor vehicle. The age of the license holder shall not constitute cause for reexamination under this section.

II. The director may waive reexamination requirements for a driver who previously held a valid commercial driver license and subsequently had that commercial privilege become inactive as a result of the expiration of his or her medical certification and then obtains a valid medical certification within 24 months of entering the inactive status.

Source. RSA 261:3-a. 1955, 294:1. 1957, 25:1. 1963, 271:1. 1967, 376:2. 1981, 146:1. 1999, 290:2. 2011, 79:1, eff. July 15, 2011. 2014, 35:1, eff. July 26, 2014.

Disclaimer: These codes may not be the most recent version. New Hampshire may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or

3rd Circuit Court

Ossipee District Division

Josephine Amatucci

State v. ~~Korbin Finkler~~

Docket # 464-2020-CR-~~1000~~ 270

The Court held ^{an in-person pre-trial} ~~a telephonic status~~ hearing on April 28, 2021.

☒ The State appeared.

☒ The Defendant appeared. ☐ The Defendant failed to appear.

☐ Counsel for the Defendant appeared.

The Matter shall be:

☐ Scheduled for a further status/plea hearing.

☒ Scheduled for trial. - 1- hour

Other: The Court will view the area of the alleged violation.

April 28, 2021

Date

M. Count
Judge Melissa B. Countway

5586

RECEIVED

JAN 18 2022

OSSIPEE
DISTRICT DIVISION

THE STATE OF NEW HAMPSHIRE
3RD CIRCUIT-DISTRICT DIVISION-OSSIPEE

State

v.

Josephine Amatucci

Case 464-2021-CR-00559

RESPONSE TO COURTS ORDER

DATED 1/4/2022

1. The Court denied the Defendant a Hearing regarding a traffic violation and mentioned that the Defendant may pursue her appellate rights.
2. However, before the Defendant can file any appeal, Melissa Countway must make it clear to the Defendant that New Hampshire law does not allow U-Turns across a double solid yellow line, as the Defendant was making a U-Turn across a double yellow solid line.
3. It is the duty of Ms. Countway to respond to this request, if she believes there was a violation of New Hampshire law. As the Defendant cannot appeal unless this question is answered by Ms. Countway

Resectfully,

1

1/28/22
The Court respectfully
found Ms. Amatucci
guilty of the alleged
offense and suspended
the fine in the
interests of
justice.

Melissa B. Countway
MELISSA B. COUNTWAY

5550

THE STATE OF NEW HAMPSHIRE
CARROLL COUNTY DISTRICT COURT

STATE

v.

Josephine Amatucci

464-2021-CR-00559

A MOTION FOR A HEARING
DEFENDANT IS REQUESTING A HEARING
BASED ON A FRAUDULENT MISREPRESENTATION
OF FACTS BY THE JUDGE

1. The defendant is requesting her right to a hearing as the judge twisted the entire facts of the case, and instead of just addressing what the defendant was being charged, by the officer. that "she did not have a legal right to turn around to the opposite direction of the road..... ON A DOUBLE YELLOW" This is the only fact this case is all about.
2. However, the judge fraudulently based this case under RSA 265:22 which states:
"a vehicle may not drive to the left of or across an unbroken painted line marked on the way".
3. HELLOOOOOOOOOOO I was cited for turning my car around in the opposite direction ON A DOUBLE YELLOW. When the police officer stated I had NO LEGAL RIGHT TO TURN ON A DOUBLE YELLOW. I did not drive to the left of or across an unbroken painted line, I drove AROUND a double yellow to the opposite direction. Which the police officer admitted was legal under the law. So I was INNOCENT.
4. And at the trial he admitted he made a mistake and that I had a legal right to turn

around in the opposite direction on a DOUBLE YELLOW.

5. The judge misrepresented the facts of the case, to make the officer look innocent by misrepresenting the facts of the case by citing the case under RSA 265:22.

6. And because the defendant had a legal right to make a turn on a double yellow GUESS WHAT.....SHE IS INNOCENT.

7. Fraud is never final, therefore the defendant is asking for a HEARING where she will be found..... NOT GUILTY.

9. We need transcribing or a recording in all cases that concern police, because the judges in a continuing course of conduct have a procedure where police are continually given some kind of immunityUNDER FRAUD.

10. There is no fine, there is NO VIOLATION, the defendant is 100 percent innocent and the court is going to find her innocent.

11. There is NO SUSPENSION, because there is NO GUILT.

12. That this case should only have been litigated as to whether the defendant had a legal right to turn around to the other opposite lane on a double yellow. Which has nothing to do with RSA 265:22.

13. It is the police officer who is the one who will be given one year of good behavior, Trooper Hensel.

14. I insist on ACCOUNTABILITY.

Respectfully,

Josephine Amatucci

c. Trooper Hensel

December 9, 2021

April 4, 2022

NH DMV - FR OP

APR 07 2022

To: John Marano

From: Josephine Anderson

Under the Right to Know Law I am demanding
that you describe to me under oath why you are
having me re-examine and undergo a road test.
People do not bet road tests for a violation
level traffic violation.
Therefore the reason cannot be because I was
accused (not guilty) of a violation.
Therefore please state under my 1st & 4th NH
Amendment right under Due Process
why you are ordering a road test.
I am writing in the lobby

Josephine Anderson



Log In (/login.html?origin_page=%2F)
(/)

New Hampshire

New Hampshire (/dmv/new-hampshire/) / Rules of the Road and How to Pass THE TEST

MENU

U-Turns

◀ BACK (center-left-turn-lanes.html) NEXT ▶ (end-of-lane-markings.html)

U-turns are sometimes legal, sometimes illegal. What's that you say? You'd like to be able to tell the difference? This must be your lucky day.

You may legally make a U-turn:

1. Across a double yellow line, as long as it is safe and there are no signs prohibiting it. No doing that across a triple yellow line, though. Those are pretty rare (non-existent), but now you know.
2. In a residential area, as long as no oncoming traffic is within 200 feet or there is a traffic signal protecting you from oncoming traffic.
3. At most intersections, as long as there's not a "No U-turn" sign. Make sure you still wait for that green light though. If you'll recall, that means "go."

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

3rd Circuit - District Division - Ossipee
96 Water Village Rd., Box 2
Ossipee NH 03864

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**JOSEPHINE AMATUCCI
PO BOX 272
WOLFEBORO FALLS NH 03896**

Case Name: **State v. JOSEPHINE AMATUCCI**
Case Number: **464-2020-CR-00270**

Enclosed please find a copy of the Court's Order dated December 02, 2021 relative to:
Order on December 1, 2021 Trial

December 06, 2021

Elaine J. Lowe
Clerk of Court

(138)

C: HAWLEY RAE; Mark Hensel; NH State Police - Troop E

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

Carroll County

3rd Circuit - District Division - Ossipee

State v. JOSEPHINE AMATUCCI

464-2020-CR-00270

ORDER

The Court held a trial in the above captioned case on December 1, 2021. The State appeared through the State Trooper who issued the ticket in this matter and the Defendant appeared representing herself.

Trooper Rae testified that she was traveling north bound on Route 28 in Wolfeboro, New Hampshire approaching the intersection of Route 109. The Court took judicial notice that both Route 28 and Route 109 are ways in the State of New Hampshire. The Trooper was following another vehicle. The Trooper observed a car approaching Route 28 from Route 109, which she ultimately determined was being operated by the Defendant who was also identified as the person contesting this case in Court. The Trooper observed that the Defendant's vehicle did not stop at the stop sign and that she accelerated, making a left turn from Route 109 to Route 28. The Trooper observed that the vehicle in front of her had to "slam on its brakes" to avoid hitting the Defendant. The Trooper had slowed down, since she could see what was happening. The Trooper made contact with the Defendant and issued a ticket for violating RSA 265:30.

RSA 265:30 provides in part "...every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop ... and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection."

The Defendant passionately argued that the Trooper had to drop this charge against her. She implored the Court to do so as well. She argued that the first vehicle to an intersection has the right of way. She argued that since she was the first vehicle in the intersection, that she had the right to proceed. She also argued that the Trooper could not have observed the stop sign from her vantage point due to her distance away and "tall grass." During a prior Court appearance, the Defendant requested that the Court observe the intersection, and the Court notes that it is familiar with this intersection.

The Court finds that the Trooper testified credibly and that the State has met its burden of proof with regard to the violation of RSA 265:30. In particular, the Court finds that the Defendant did not stop before entering the intersection, and that she did not yield to oncoming traffic as required by RSA 265:30. The Court therefore finds the Defendant guilty. The statutory fine, according to the face of the ticket issued in this matter is \$62. The Court suspends the fine, on condition of one year of good behavior, which is defined as not committing a Felony, Misdemeanor or any Motor Vehicle violation.

The Court recognizes that the State likely would object to a suspended fine in this matter. The Court notes that the Defendant stated that she would not pay a fine in this matter and demanded that the case be dropped. The Defendant seemed upset by these proceedings and the perception that the "process" would not be fair to her. The Court finds in the interest of justice that a suspended fine, on the conditions identified above will best promote the goals of sentencing in this matter.

The Court is also concerned that the Defendant argued that she had the right to operate as she did, since she had arrived at the intersection first. The Court is concerned about the safety of other motorists under these circumstances and notes that the finding of guilty is intended to deter the Defendant from failing to stop and failing to yield to oncoming traffic in the manner described in this case.

Finally, the Court clarifies that the Complaint in this matter had been marked previously by the undersigned to reflect a Nolo Plea. This was whited-out when the Defendant changed her mind during the plea colloquy on April 28, 2021. Next the matter was scheduled for June 23, 2021, and the Court entered an Admin. finding of guilty when the Defendant failed to appear. At that time, the Court imposed the statutory fine of \$62. The Defendant filed a Motion to Vacate which the Court granted on July 1, 2021. The Court did not consider any of these procedural history issues in reaching its verdict after the trial on December 1, 2021. Furthermore, the Court now, marks the complaint to cross-reference this narrative order.

So Ordered.

December 02, 2021

Date



Signature of Judge

Melissa Countway

Printed Name of Judge

☒ You DO NOT have to come to court. You MUST answer this complaint to the Department of Safety within (30) days from the date of issuance. DATE OF ISSUANCE: **02/26/2020 AT 02:36 PM**

TO AVOID ANY ADDITIONAL ADMINISTRATIVE FEES OR REINSTATEMENT FEES SEE REVERSE SIDE FOR INSTRUCTIONS AND PENALTY INFORMATION.

DEPARTMENT OF SAFETY
FINANCIAL RESPONSIBILITY SECTION - PBM
PO BOX 3838, CONCORD NH 03305
603-227-4010 <http://www.nh.gov/payticket>

You must come to the court listed at on to answer this complaint.

3RD CIRCUIT - DISTRICT DIVISION - OSSIPEE

DISTRICT COURT

96 WATER VILLAGE ROAD, BOX 2

STREET

OSSIPEE

NH

TOWN/CITY

STATE

03864

ZIP CODE

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

AMATUCCI

JOSEPHINE

T NAME

FIRST NAME

MIDDLE NAME

BOX 272

WOLFEBORO FALLS

NH

03896

ADDRESS

CITY

STATE

ZIP CODE

09 27 1938

NHL19257911

NH

D

DOB MO DAY YR.

OP LICENSE #

STATE

CLASS

F

64

BRO

SEX RACE HEIGHT WEIGHT COLOR EYES COLOR HAIR

LICENSE PRESENTED:

☒ YES

☐ NO

ON THE 26TH DAY OF FEBRUARY YR 2020 AT 02:33 PM

DID OPERATE M.V. REGISTRATION # 3672039

PLATE TYPE PASS

STATE NH

MAKE NISS

YR 2012

TYPE VERSA

☐ COMMERCIAL VEHICLE

☐ HAZMAT

☐ 16+ PASSENGER

AT LOCATION: WOLFEBORO

GPS

N43 37.12731' W71 10.3336'

Upon a certain public highway to wit - 28 S

☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of _____ m.p.h. the prima facie lawful speed at the time and place of violation being _____ m.p.h.

Contrary to RSA 265:60

☐ Radar

☐ Aircraft

☐ Clock

☐ Laser

☐ traveling at a rate of _____ m.p.h., the same being in excess of the maximum lawful speed limit of _____ m.p.h. did fail and neglect to stop the said vehicle for a certain:

☐ stop sign (contrary to RSA 265:31)

☐ traffic light (contrary to RSA 265:9) before entering intersection of:

☐ did fail and neglect to have the said vehicle inspected in accordance with the regulation of the Director of Motor Vehicles. Contrary to RSA 266:5.

☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40.

☒ other: FAILURE TO YIELD RIGHT OF WAY AT STOP OR YIELD SIGN (1ST OFFENSE)

Contrary to RSA: 265:30 Against the peace and dignity of the State.

MAKING A FALSE STATEMENT ON THIS COMPLAINT MAY RESULT IN CRIMINAL PROSECUTION (RSA 592-A:7, I)

NHSP-E

TR. H. RAE

1216

Department

Complainant

Complainant Signature

Badge Number

☒ SERVED IN HAND

FINE FROM SCHEDULE \$ 62.00

YOU MUST COMPLETE THE REVERSE SIDE OF THIS FORM
SEE REVERSE FOR INSTRUCTION AND PENALTY INFORMATION.

DOS/COURT

DS No 20-885-392869

DSMV 428E (REV 09/01/2017)

PLEA:

☐ Guilty

☐ Not Guilty

☐ Nolo Contendere

☐ Change of Plea

☐ Not Guilty to Guilty

☐ Not Guilty to Nolo

☐ Negotiated Plea

FINDING:

☒ Guilty

☐ Not Guilty

☐ Dismissed

☐ Waiver of Counsel and Rights Acknowledged

☐ Appearance of

☐ Nolle Prossed by

DATE

Continued from _____ to _____ by _____

Continued from _____ to _____ by _____

SENTENCE:

☒ Fine of \$ 50 amount suspended \$ _____ P.A. \$ 12 Total \$ 62
(amount suspended on conditions stated below)

☐ Time Payment:

☐ Ordered ☐ Recommended defendant's license (privileges) to operate a motor vehicle be:

☐ suspended ☐ revoked for a period of _____

☐ License Forwarded

☐ Defendant placed on probation for a period of _____

☐ Case continued for sentence

☐ Complaint placed on file

☐ with

☐ without finding

(This disposition may not apply to CDL operators or commercial vehicle offenses)

☐ Other

Prior negotiated plea was not entered on 4/28/21 after the defendant changed her mind. Trial was scheduled on 6/23/21. The State appeared & defendant did not. Admin Finding of Guilt entered after offer of proof.

DEFAULT:

Fine \$ _____ P.A. \$ _____ Admin. Fee ☐ imposed \$ _____ ☐ waived Total \$ _____

Defendant failed to ☒ appear on 6/23/21 ☐ pay on _____
DATE DATE

☐ Bench Warrant Ordered _____ (date) issued _____ (date)

☐ for ☐ non-appearance ☐ non-payment

☐ Bail to be determined by Bail Commissioner \$ _____

☐ Bail set by Court \$ _____ PR / CASH / SURETY

☐ Other

☐ Recommended license suspension

Justice Signature

APPEAL:

☐ To Superior Court (De Novo trials only): _____ The Defendant appeals.

☐ To Superior Court: To be perfected within 30 days or sentence will be invoked.

Default Date

6/23/2021

Justice Signature

Melissa B. Countway, Judge

Conviction Date

Vacated 7/1/21

Justice Signature

Melissa B. Countway, Judge

Original abstract forwarded _____ (date)

* see narrative 12/2/2021 Melissa B. Countway, Judge



ROBERT L. QUINN
COMMISSIONER OF SAFETY

State of New Hampshire

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
STEPHEN E. MERRILL BUILDING
23 HAZEN DRIVE, CONCORD, N.H. 03305
TELEPHONE: (603) 227-4000 • RELAY NH (7-1-1)



ELIZABETH A. BIELECKI
DIRECTOR OF MOTOR VEHICLES

May 06, 2022

*ATTENTION: I will not have to appear unless under the LAW
UNDER WHAT LEGAL RIGHT does the DEPT. OF SAFETY have to
Josephine Amatucci TAKE AWAY MY LIBERTY. WHAT AM I BEING
Po Box 272 OF THAT THE DEPT. HAS A LEGAL RIGHT TO ORDER
Wolfeboro Falls NH 03896 ME TO BE RETESTED.
You DON'T get re-tested FOR A TRAFFIC VIOLATION
You DON'T get re-tested BECAUSE OF YOUR AGE IN NEW HAMPSHIRE.
PLEASE RESPOND TO GIVE ANY LEGAL RIGHT TO
DISCRIMINATE AGAINST ME*

Dear Sir/Madam.

The Division of Motor Vehicles has received information that gives the Director of Motor Vehicles reason to have your driving abilities evaluated.

In order for the Division of Motor Vehicles to evaluate your driving abilities, please appear for your examination at the following date and time:

Appointment Date:	May 27, 2022
Appointment Time Knowledge Test	1:30 PM
Appointment Time Road Test:	Schedule after Passing Knowledge Test
Appointment Location:	Tamworth 1864 White Mt Highway

Please bring this letter to your appointment and please arrive 5 minutes prior to your appointment time. If you need to reschedule this appointment you must call us at 603-227-4000 do not reschedule your appointment online. **If you decide you would like to give up your right to drive, please mail in your driver license and a note stating that you wish to voluntarily give up driving.**

If you should have any further questions, please call (603) 227-4000.

Very truly yours,

Bureau of Driver Licensing



ROBERT L. QUINN
COMMISSIONER OF SAFETY

State of New Hampshire

DEPARTMENT OF SAFETY
DIVISION OF MOTOR VEHICLES
STEPHEN E. MERRILL BUILDING
23 HAZEN DRIVE, CONCORD, N.H. 03305
TELEPHONE: (603) 227-4000 • RELAY NH (7-1-1)



ELIZABETH A. BIELECKI
DIRECTOR OF MOTOR VEHICLES

May 06, 2022

Josephine Amatucci
Po Box 272
Wolfeboro Falls NH 03896

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If you should have any further questions, please call (603) 227-4000.

Very truly yours,

Bureau of Driver Licensing

TITLE XXI

MOTOR VEHICLES

CHAPTER 265

RULES OF THE ROAD

Overtaking and Passing, Highway Markings, Right of Way

Section 265:22

265:22 Highway Markings. –

I. The commissioner of transportation and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of ways, by painted lines, as is deemed necessary to the safe and efficient use of any such way. In ordering or approving such marking the commissioner of transportation insofar as is practicable shall conform to nationally accepted standards and any marking of the way by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of transportation. When the single center line highway marking method is used, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no driver of a vehicle shall, while proceeding along a way, drive any part of such vehicle to the left of or across an unbroken painted line marked on the way in such driver's lane by order of or with the approval of said commissioner except:

- (a) In an emergency; or
- (b) To permit ingress or egress to side roads or property adjacent to the highway; or
- (c) In case such driver has an unobstructed view and can see the end of the said unbroken painted line; or
- (d) In order to pass a pedestrian, a motorized wheelchair, a mobility scooter or device, or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely; or
- (e) In order to comply with RSA 265:37-a, I.

II. The fine for a violation of this section shall be \$100.

Source. RSA 262-A:21. 1963, 330:1. 1981, 146:1. 2004, 257:33. 2005, 177:46, eff. July 1, 2005. 2018, 46:1, eff. July 14, 2018. 2021, 128:1, 2, eff. Sept. 21, 2021.

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Campbell v. Walker, 78 Atl. 601, 603, 2 Boyce (Del.) 41.

"The owner of an automobile has the same right as the owner of other vehicles to use the highway,* * * A traveler on foot has the same right to the use of the public highways as an automobile or any other vehicle."

Simeone v. Lindsay, 65 Atl. 778, 779; Hannigan v. Wright, 63 Atl. 234, 236. "The RIGHT of the citizen to DRIVE on the public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality is a FUNDAMENTAL CONSTITUTIONAL RIGHT which must be protected by the courts." People v. Horton 14 Cal. App. 3rd 667 (1971) "The right to make use of an automobile as a vehicle of travel long the highways of the state, is no longer an open question. The owners thereof have the same rights in the roads and streets as the drivers of horses or those riding a bicycle or traveling in some other vehicle."

House v. Cramer, 112 N.W. 3; 134 Iowa 374; Farnsworth v. Tampa Electric Co. 57 So. 233, 237, 62 Fla. 166. "The automobile may be used with safety to others users of the highway, and in its proper use upon the highways there is an equal right with the users of other vehicles properly upon the highways. The law recognizes such right of use upon general principles.

Brinkman v Pacholike, 84 N.E. 762, 764, 41 Ind. App. 662, 666. "The law does not denounce motor carriages, as such, on public ways. They have an equal right with other vehicles in common use to occupy the streets and roads. It is improper to say that the driver of the horse has rights



ARE

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STORE CONTACT

U.S. SUPREME COURT SAYS NO LICENSE NECESSARY TO DRIVE AUTOMOBILE ON PUBLIC ROADS

Posted by [Jeffrey Phillips](#) | Jul 21, 2015 | ★★★★★



**U.S. SUPREME COURT AND OTHER HIGH COURT
CITATIONS PROVING THAT NO LICENSE IS
NECESSARY FOR NORMAL USE OF AN
AUTOMOBILE ON COMMON WAYS**

JOIN WE ARE
CHANGE!

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58k	29k	78k	10k
Followers	Followers	Followers	Followers

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Robert L. Quinn
Commissioner of Safety

State of New Hampshire
Department of Safety
Division of Motor Vehicles
23 Hazen Drive, Concord, NH 03305
Telephone: (603) 227-4050 Relay NH 7-1-1



Elizabeth A. Bielecki
Director of Motor Vehicles

REQUEST FOR ADMINISTRATIVE ACTION
For Law Enforcement Use Only

NH-DMV-FR

DEC 29 2021

To: Director of Motor Vehicles
Stephen E. Merrill Building
23 Hazen Drive
Concord, NH 03305
Email: dos.dmv.admin@dos.nh.gov
Fax: 603-271-7800

Agency: New Hampshire State Police - Troop E
PO Box 235
West Ossipee, NH 03890
(603) 323-3333

Date: 12/29/2021

RE: Operator Name: Josephine Amatucci
Address: 350 Gov Wentworth Hwy
Wolfeboro, NH 03894

DOB: 09/27/1938

License Number: NHL19257911

State: NH

The above individual was involved in the following:

- | | |
|---|---|
| <input type="checkbox"/> Motor Vehicle Accident with Fatality | <input type="checkbox"/> Motor Vehicle Accident with Serious Injury |
| <input checked="" type="checkbox"/> Improper Driving / Incompetency | <input type="checkbox"/> Medical Reasons |
| <input type="checkbox"/> False Statement on License | <input type="checkbox"/> False Statement on Registration |
| <input type="checkbox"/> Other: _____ | |

Requested Action (choose one):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Motor Vehicle Driver Re-Examination | <input type="checkbox"/> Immediate Suspension |
| <input type="checkbox"/> Motor Vehicle Hearing | <input type="checkbox"/> Other (describe): _____ |

BASIS FOR ACTION (supporting documentation for this incident or accident must be attached):

PLEASE SEE ATTACHED REPORT

Arrested: ☐ YES ☒ NO

Summoned: ☒ YES ☐ NO

Charge: RSA 265:30 (Failure to Stop/Yield)

[Signature]
Officer's (Requestor) Signature

Trooper Hawley L. Rae #1216
Officer's Name (print/type)

Approving Official's Signature

12/29/2021
Date

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - District Division - Portsmouth
111 Parrott Ave.
Portsmouth NH 03801-4402

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF CLEARED DEFAULT

**JOSEPHINE AMATUCCI
PO BOX 272
WOLFEBORO FALLS NH 03896**

Case Name: **State v. JOSEPHINE AMATUCCI**
Case Number: **470-2021-CR-00003**

<u>Charge ID:</u>	<u>RSA:</u>	<u>Violation Date:</u>	<u>Offense:</u>
1819831C	265:23	12/23/2020	Failure to Keep Right - Rotary

The default was cleared with the court on April 07, 2022 and the Administrative Fee was paid.

INSTRUCTIONS TO THE DEFENDANT:

If you present yourself to the Division of Motor Vehicles prior to the suspension date, a restoration fee will not be imposed. If the suspension date has already passed you must pay the \$100.00 restoration fee to restore your driving privileges to the Division of Motor Vehicles.

**New Hampshire Division of Motor Vehicles
Bureau of Financial Responsibility
23 Hazen Drive, Concord, NH 03305
Telephone: 603-227-4010**

WARNING: YOU SHALL NOT OPERATE A MOTOR VEHICLE IF THE SUSPENSION DATE HAS PASSED UNTIL YOUR LICENSE HAS BEEN RESTORED IN WRITING BY THE DIVISION OF MOTOR VEHICLES.

April 07, 2022

Tracy L. Meyer
Clerk of Court

(4701142)

Case is now closed ☺



Colonel Nathan A. Noyes
Director

State of New Hampshire

DEPARTMENT OF SAFETY

Robert L. Quinn, Commissioner of Safety

Division of State Police

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305



DATE: December 29th, 2021

TO: Bureau of Hearings

FROM: Trooper Hawley Rae
New Hampshire Department Safety
Division of State Police – Troop E

SUBJECT: Request for Administrative Action

NH-DMV-FR

DEC 29 2021

NAME: Josephine Amatucci
ADDRESS: 350 Governor Wentworth Hwy
Wolfeboro, NH 03896
DOB: 09/27/1938

NH License #: NHL19257911

BASIS FOR ACTION:

Report for Trooper Hawley Rae #1216 NH State Police – Troop E

On February 26th, 2020 at approximately 2:33 P.M Tpr. Rae was traveling northbound on Route 28 in the town of Wolfeboro. She was on patrol as a State Trooper, in a fully marked cruiser at the time. Tpr. Rae was approaching the intersection of Route 28 and Route 109. Vehicles approaching Route 28 from Route 109 have a stop sign prior to turning onto Route 28. There is also a flashing red light at the intersection, an additional warning for motorists approaching from Route 109 to stop.

As Tpr. Rae continued approaching the intersection, she observed a vehicle, a Nissan Versa, traveling on Route 109, quickly approaching the intersection. There was also a vehicle traveling northbound directly in front of Tpr. Rae. She observed the Nissan traveling on Route 109 did not stop at the stop sign, but accelerated and turned left onto Route 28 to continue southbound. The operator in front of Tpr. Rae had to slam his/her brakes in order to avoid a collision. Tpr. Rae also braked hard to avoid striking the vehicle in front of her.

NH-DMV-FR

DEC 29 2021

Tpr. Rae activated her emergency lights, turned around on Route 28, and stopped the vehicle at the southern edge of the 7-11 parking lot for violation of **RSA 265:30 - Failure to Yield Right of Way at a Stop Sign**. The vehicle was a 2012 Nissan Versa, bearing NH Registration 3672039. The operator was eventually identified as:

Josephine AMATUCCI
DOB: 09/27/1938.

As Tpr. Rae made contact with AMATUCCI, she immediately demanded to know why she was being stopped. Tpr. Rae explained she had almost caused a crash as she had neglected to stop at the stop sign and cut off the vehicle in front of me. AMATUCCI became irate and began yelling at Tpr. Rae, telling her there was no stop sign there. She said she has been trying to get a stop sign there for years, but no one would listen to her. Tpr. Rae continued to try to point out there was a stop sign there, but she refused to listen. When Tpr. Rae told AMATUCCI she had cut off the other vehicle, causing both operators to slam their brakes, she stated "obviously I did not" since she had quote not "caused an accident."

AMATUCCI initially would not hand over her license and registration. She continued trying to argue over the existence of the stop sign. After repeatedly asking for her license and registration, she finally handed Tpr. Rae both documents.

AMATUCCI was issued a citation for the above RSA. Tpr. Rae recommended AMATUCCI go check the stop sign so she would see it was in place. She refused, and then ignored Tpr. Rae when she tried to explain the citation. Tpr. Rae got back into her cruiser and cleared from the stop.

AMATUCCI wrote a letter to Ossipee District Court regarding the stop. In the letter she states she did stop at the stop sign, and she was the one who helped put the signs in place. She also states she would be "committing suicide" if she did not stop at the intersection. The letter directly contradicts her statements to Tpr. Rae during the motor vehicle stop.

On June 23rd, 2021 AMATUCCI failed to appear in court for the scheduled trial regarding the above offense. The judge made an administrative finding of guilty after hearing Tpr. Rae's offer of proof.

Report for Trooper Mark Hensel
NH State Police – Troop E

On June 3rd, 2021 at approximately 12:09 P.M Tpr. Hensel was traveling southbound on Route 16 in the town of Ossipee when he observed a vehicle traveling northbound stop in the lane of travel. (The vehicle and operator were later identified as AMATUCCI operating her Nissan Versa). After the Nissan stopped, it then pulled into the shoulder area and began initiating a U-Turn while there was both south and northbound traffic. This caused vehicles both north and southbound to stop as everyone was unsure what the vehicle was going to do. The Nissan then completed the U-turn, crossing the double yellow lines, and pulling over into the southbound shoulder. The vehicle in front of Tpr. Hensel continued south, maneuvering around the Nissan. Tpr. Hensel stopped and proceeded to make contact with AMATUCCI.

AMATUCCI was argumentative with Tpr. Hensel and did not believe she did anything wrong. She said she had turned around to pick berries or flowers along that side of the road. Tpr. Hensel issued AMATUCCI a citation for violation of **RSA 265:22 – Yellow/Solid Line**.

NH-DMV-FR

DEC 29 2021

Trials with AMATUCCI

On December 1st, 2021 Tpr. Hensel and Tpr. Rae each had a trial in Ossipee District Court with AMATUCCI in regards to the above citations. During both trials, AMATUCCI frequently demanded all charges be dropped. She believes she did nothing wrong, and the troopers were wrong to stop her. Judge Countway presided over the trials and continuously had to explain the court rules to AMATUCCI. AMATUCCI constantly talked over the judge, demanding she dismiss the charges. AMATUCCI could not be reasoned with and refused to accept her driving behavior is illegal and dangerous.

Judge Countway found AMATUCCI guilty of both violations. In regards to the violation of RSA 265:30 - **Failure to Yield Right of Way at a Stop Sign**, Judge Countway wrote in her ruling "The Court is also concerned that the Defendant argued that she had the right to operate as she did, since she arrived at the intersection first. The Court is concerned about the safety of other motorists under these circumstances and notes that the finding of guilty is intended to deter the Defendant from failing to stop and failing to yield to oncoming traffic in the manner described in this case."

In regards to the violation of RSA 265:22 - **Yellow/Solid Line**, Judge Countway wrote in her ruling "The Court is also troubled that the Defendant's argument was focused on her belief that her driving was legal. The Court is concerned about the safety of the other motorists under these circumstances and notes that the finding of guilty is intended to deter the Defendant from conducting U-turns in the manner described in this case."

**Report for Trooper Nikita Klimashov
NH State Police - Troop A**

On December 23rd, 2020, Tpr. Klimashov was on patrol in Portsmouth. Tpr. Klimashov was driving on Gosling Road when a blue Nissan Hatchback suddenly pulled out of a gas station parking lot, directly in front of his cruiser, causing him to brake suddenly. The vehicle proceeded to attempt to turn left, the wrong way down Gosling Road, which is separated by a raised concrete median. The driver only stopped once Tpr. Klimashov sounded his air-horn. He conducted a traffic stop after the operator had turned and entered the roadway in the correct direction.

When Tpr. Klimashov contacted the driver, she had left her vehicle in drive and began to roll forward while he was standing at her window. The driver had to be asked to provide her license 4 times as she had refused the first 3 times. Tpr. Klimashov identified the driver as the above named AMATUCCI by her NH driver's license. AMATUCCI stated that pulling out in front of Tpr. Klimashov and turning the wrong way on a one-way road was "no big deal" because she had not actually caused an accident. Amatucci went on an incoherent rant about how she was a safe driver and that law enforcement had it out for her. She berated Tpr. Klimashov for several minutes for "wasting her time" and never acknowledged that her motor vehicle operation may have been unsafe.

REQUEST FOR A MOTOR VEHICLE DRIVER RE-EXAMINATION:

Based upon her above interactions with several troopers, it is believed that AMATUCCI's actions show a pattern of conduct that causes a concern for her ability to drive safely and obey traffic laws. AMATUCCI's erratic driving and disbelief she is committing any motor vehicle violations is concerning. She seems to believe as long as she did not cause a crash, she did nothing wrong. She appears unwilling to change her driving behavior, which is of utmost concern. There is also concern her mental health is declining and she is both mentally and physically unable to safely operate a motor vehicle. The State is

not unsympathetic to AMATUCCI, being an elderly woman with possible declining health, but it needs to consider the safety of the entire motoring public over the individual.

I respectfully request AMATUCCI be required to undergo any examinations the Bureau of Hearings deems necessary to determine whether or not she can operate a motor vehicle without being a risk to the general public.

Thank you for your time and attention to this matter.

Respectfully Submitted,

Hawley Rae

Trooper Hawley Rae #1216
NH State Police – Special Investigations Unit
139 Iron Works Road
Concord, NH 03301
Hawley.H.Rae@dos.nh.gov
Dispatch: (603) 223-4381
Cell: (603) 931-9005

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